

DETAILED ACTION

1. This is in response to the interview conducted with the Applicant's attorney, Mr. Peter Devore, on October 21, 2008. Please see attached interview summary. The previous final rejection dated June 13, 2008, has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Takafuji et al., U.S. Pat. No. 6,957,591 (hereinafter, Takafuji).

As to 1, 5, and 6, Takafuji discloses an occupant determining device (abstract), comprising:

a load detecting sensor provided on a seat body (abstract and Fig. 1-3);

and a controller calculating a detected load value based on an output value of the load detecting sensor and performing occupant determination based on the detected load value (abstract and Figs 1-7 and 11-15 and cols. 9-14),

wherein the controller sets a first determination threshold and a second determination threshold larger than the first determination threshold (abstract and Figs 1-7 and 11-15 and cols. 9-14),

wherein if the detected load value falls between the first and second determination thresholds and continues for a first time duration, the controller switches an occupant

determination state to an adult determination state (abstract and Figs 1-7 and 11-15 and cols. 9-14), and

wherein if the detected load value exceeds the second determination threshold and continues for a second time duration which is shorter than the first time duration, the controller switches the occupant determination state to the adult determination state (abstract and Figs 1-7 and 11-15 and cols. 9-14).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 5, and 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL S. WEIS whose telephone number is (571)272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stefanos Karmis/
Primary Examiner, Art Unit 3693